

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Brian G. Lewis et al. Art Unit 2815
Serial No. 10/722,288
U.S. Patent No. 7,187,083
Filed November 25, 2003
Confirmation No. 9116
For THERMAL INTERFACE MATERIAL AND SOLDER PREFORMS
Examiner Jasmine Jhihan B. Clark

April 12, 2007

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)

TO THE COMMISSIONER FOR PATENTS,

SIR:

The above-referenced application issued as U.S. Patent No. 7,187,083 on March 6, 2007 along with an indication that the term of the patent is to be extended or adjusted under 35 U.S.C. §154(b) by 256 days. Applicants respectfully submit, as detailed below, that the proper term adjustment for this patent should be 296 days.

The Notice of Allowance dated December 14, 2006 indicated a term adjustment of 296 days. This period of time is based on 322 days of Office delay for the time period between the filing of the application and the first action on the merits offset by 26 days of applicant delay in connection with submission of an executed Oath or Declaration and payment of the requisite fees. Applicants agree with these determinations which are shown in the "Patent Term Adjustment History" (PTA History) for this application in the PTO's Patent Application Information Retrieval (PAIR) System.

However, the PTA History for this application also indicates 40 days of applicant delay in connection with applicants' January 26, 2007 Letter submitted in connection with

payment of the Issue and Publication Fees for this application. Specifically, this Letter requested application of previously paid Issue and Publication Fees. It is applicants' understanding that filing of a request for a refund after a Notice of Allowance constitutes applicant delay as failure to engage in reasonable efforts to conclude prosecution under 37 C.F.R. § 1.704(c)(10). However, applicants respectfully submit that their January 26, 2007 Letter was not a request for a refund and, thus, does not constitute applicant delay for purposes of patent term adjustment.

Accordingly, in accordance with 37 C.F.R. § 1.705(d), applicants respectfully request addition of 40 days of patent term adjustment for a total of 296 days.

The Commissioner is authorized to charge Deposit Account No. 19-1345 for the \$200.00 fee under §1.18(e) due with this Application.

Respectfully submitted,

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